Manitoba Constitutional Task Force

Report of the Manitoba Constitutional Task Force

October 28, 1991

Chairperson:
Professor Waldron N. Fox-Decent

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The Honourable Gary Filmon
Premier of Manitoba

October 28, 1991

Dear Premier Filmon,

It is eleven months since you established the Manitoba Constitutional Task Force to hear the views of our citizens on the wide range of constitutional reform issues facing our country. This is indeed the Canada round of such discussion, involving many more questions and challenges than we had to address in the Meech Lake process.

This all-party task force, after extensive communication with our citizens earlier this year in the form of hearings and the receipt of written briefs, is now pleased to present its report.

It is a matter of satisfaction to us all that we were able to achieve unanimous agreement on all issues. The citizens of our province deserve no less. A consensus report best serves our responsibility to give advice to the government and legislature of Manitoba which we hope will provide guidance along the difficult road of constitutional discussion which lies ahead.

In your letter of last December formalizing my appointment, you wrote these words:

> The mandate entrusted to your Task Force is an onerous one, but it reflects the fact that Manitobans want to be well prepared for the difficult constitutional negotiations that lie ahead for our country, and want to participate in those negotiations in the most constructive way possible. We are not looking to the Task Force to propose a series of specific constitutional amendments. Rather, we are asking that you and your colleagues on the Task Force assist the government in establishing a positive agenda for constitutional reform.

It is my sincere hope that we have been successful in achieving this goal.

I close with words of pleasure and gratitude toward my colleagues on the Task Force for their remarkable work in a spirit of sensibility and goodwill. No words can adequately recompense our staff members for their outstanding service.

Yours faithfully,

Wally Fox-Decent

W.N Fox-Decent

MEMBERSHIP OF THE MANITOBA CONSTITUTIONAL TASK FORCE

Chairperson

PROFESSOR WALDRON N. FOX-DECENT
University of Manitoba, Department of Political Studies

MR. JIM CARR
Member for Crescentwood

MS. JEAN FRIESEN
Member for Wolseley

MR. OSCAR LATHLIN
Member for The Pas

MR. JAMES McCRAE
Minister of Justice, Member for Brandon West

MR. DARREN PRAZNIK
Minister of Labour, Member for Lac du Bonnet

MRS. SHIRLEY RENDER
Member for St. Vital

Research Director

Professor Stephen Gallagher
University of Manitoba, Department of Political Studies

Constitutional Advisors

Mr. Vic Toews
Mr. Eugene Szach

Research Officers

Ms. Theresa Simmonds
Ms. Kathleen Mico

Secretary to the Chairperson

Ms. Susan McIvor

Professor Waldron N. Fox-Decent
Chairperson

Jim Carr, MLA
Crescentwood

James McCrae, MLA
Brandon West

Jean Friesen, MLA
Wolseley

Darren Praznik, MLA
Lac du Bonnet

Oscar Lathlin, MLA
The Pas

Shirley Render, MLA
St. Vital

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Prof. Paul Chartrand	Mr. Paul Joffe	Prof. Bill Neville
Mr. Jim Eldridge	Prof. Rais Khan	Prof. Roland Penner
Chief Phil Fontaine	Mr. Michel Lagace	Senator Duff Roblin
Mr. Pat Gannon	Mr. Ken McVicar	Prof. Bryan Schwartz
Prof. Dale Gibson	Chief Ovide Mercredi	Prof. Paul Thomas
Prof. Raymond Hébert	Ms Donna Miller	Mr. Greg Yost

A thank you should also go out to our public hearings support staff. The first stage of the Manitoba Constitutional Task Force's work, the public hearings process, was a great success due to the skill and hard work of the many dedicated people who helped organize and staff the Task Force's activities. The Task Force gratefully acknowledges: Susan Dion and the Hansard staff; Dwight McAuley and the media relations staff; the French Language interpreters; the American Sign Language interpreters; and those who provided child care services during the hearings. The Task Force would also like to thank the media for their diligent reporting of a sometimes complex and difficult subject and for also raising the public's awareness during the public hearings process. We wish to extend a very special thank you to Videon Cable T.V. who ensured that our Winnipeg hearings were broadcast live into the homes of interested Manitobans.

We also wish to express our appreciation to those communities who so warmly welcomed the Task Force during our travels throughout the province. The locations of the public hearings were all wheel chair accessible and fully equipped to provide for our requirements. In short, they were uniformly excellent.

Finally, the Task Force warmly thanks all the Manitobans and those from other parts of Canada who took the time to either come forth to give their views or prepare a written presentation for our consideration. The clarity and insight of these presentations greatly facilitated the work of the Task Force.

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INTRODUCTION

Manitoba is once more thrust into a position where national events and our own sense of concern require that the citizens of Manitoba participate in constitutional reform. The Meech Lake process left many deeply upset by a perceived lack of responsiveness on the part of politicians to the concerns and aspirations of Canadians. In this new round of constitutional discussion a full range of constitutional issues affecting all the communities in Canada must be addressed. These are discussions in which all citizens will have an opportunity to fully participate.

It was our responsibility to listen to Manitobans and work towards building a consensus on the important constitutional issues which now face our province. Numerous issues are crowded onto the constitutional agenda. The issues most frequently addressed by presenters during our public hearings included the need for a strong and vigorous central government; the long standing question of the constitutional status of Canada's aboriginal peoples; and the desire by those in the regions to have an equitable influence in national political institutions.

These are not constitutional questions which lend themselves to facile solutions. Manitobans hold strong and sometimes differing views about the direction reform must take. Many of the

differences in public opinion were reflected by the Task Force members themselves, each having their own political and personal convictions. It is due to their mutual respect, patience and understanding that the work of the Task Force proceeded to a positive completion with the emergence of a consensus. But this was not achieved until after much vigorous debate and the exercise of a willingness to compromise.

The Task Force is confident that regardless of the challenges which face Canada, a national constitutional accommodation can be achieved. We are especially heartened by the fact that during our public hearings, in presentation after presentation, a strong commitment to a united Canada was clearly voiced along with a belief that with openness, honesty and reason a constitutional bargain can be struck which will strengthen the federation and harmonize social relations.

> *Not life, liberty, and the pursuit of happiness, but peace, order, and good government are what the national government of Canada guarantees. Under these, it is assumed, life, liberty, and happiness may be achieved, but by each according to his taste. For the society of allegiance admits of a diversity, the society of compact does not, and one of the blessings of Canadian life is that there is no Canadian way of life, much less two, but a unity admitting of a thousand diversities.*
>
> *W. L. Morton, <u>The Canadian Identity</u>, 1961.*

AFTER THE MEECH LAKE ACCORD

"Changing its constitution is one of the most challenging tasks a nation may face. The constitution symbolizes the past, present, and future of a country. Changes to the constitution must be consistent with the fundamental beliefs and principles embodied in the document, but also must serve as a guide for the future. Only if the changes meet these criteria, will the constitution continue to unite the state and to encourage the nation to flourish."

With these words, the Manitoba Task Force on Meech Lake began its Report, presented in October 1989. After consulting hundreds of Manitobans, the Meech Lake Task Force submitted for the consideration of government a series of proposals for constitutional change that it believed would strengthen national unity. Our citizens have always been proud to contribute to the dynamic dialogue which has historically shaped the terms of our federation. Those who participated in the public hearings held during 1989, expressed a clear vision of the need for unity, equality, and accommodation of diverse perspectives. They also communicated a strong desire for a process of constitutional change open to public input and participation.

Although First Ministers agreed to some parallel constitutional proposals in June, 1990, the Manitoba Legislature was unable to complete its consideration of the proposals in the two weeks that remained after the First Ministers' meeting. Consequently, the three year time limit for adopting the Accord expired and the Meech Lake Accord did not come to a vote in Manitoba. Newfoundland also did not vote on the Accord. The federal and the other provincial governments did not proceed further with any of the proposals accepted at the June meeting. The Meech Lake Accord process was at an end.

In addition to the Meech Lake issues, many constitutional questions facing Canada since the patriation of the constitution in 1982 remain unresolved. For example, an earlier round of constitutional negotiations which lasted from 1983 to 1987 failed to resolve the constitutional position of Canada's aboriginal peoples.

With the failure of these initiatives, frustration and a sense of alienation have grown and led to a strengthened desire to resolve outstanding constitutional issues. A resolution of these questions would enable us as Canadians to turn to other urgent issues of public policy, such as those associated with the challenges of an economic recession.

In response to the constitutional issues facing Canada, many provinces and the federal government have established commissions or committees to consider constitutional change. A consensus appears to exist that the upcoming round of constitutional negotiations must include a full range of constitutional issues and must be based upon public consultations that provide an opportunity for all citizens to participate. Canada's survival as a nation may depend on the outcome of these negotiations in what has been aptly described as the "Canada Round" of constitutional discussion and change.

In Manitoba, public participation in the consideration of constitutional change is supported by all parties. There were public hearings on constitutional change in 1980, 1984 and 1989. Listening to the people is fundamental to building a Manitoba consensus on important constitutional issues.

To realize the goal of public participation, this Task Force was mandated in a letter from the Premier dated December 5, 1990 to hold public hearings, listen to the views and aspirations of concerned citizens and review the recommendations of the Meech Lake Task Force to determine which recommendations remained relevant. After analyzing the public presentations, the Task Force was to write a report which would not only reflect the opinions of Manitobans but which would provide guidance to the government in constitutional discussions.

The composition of the Task Force reflects a desire to achieve constitutional change through a broadly-based consultative process. The three political parties in the Manitoba legislature are represented on the Task Force. The government appointed three members, the Official Opposition two and the Liberal Party one. To coordinate the work of the Task Force, Professor Waldron Fox-Decent, who previously chaired the Meech Lake Task Force, was appointed as the chair of the Task Force.

The Task Force decided to hold public hearings in six different locations in five communities. In Winnipeg, hearings were held at the Manitoba legislature and the Payuk Inter Tribal Co-op. The Task Force travelled to Dauphin, Brandon, The Pas and Thompson to make it easier for Manitobans from all parts of the province to make their views known.

In 24 sessions held over 10 days, the Task Force listened to 227 oral presentations. The Task Force has also received and reviewed more than 80 written presentations. The Task Force recognizes the extraordinary time and effort that went into the many presentations and written submissions and extends its warm thanks to all who participated in this democratic exercise.

The members of the Task Force feel confident that Manitobans have fully and clearly articulated their concerns. We have sought to express in this report the substance of what the many Manitobans

who appeared before us believe to be necessary to secure a united and harmonious future for Canada. We note particularly that Manitobans overwhelmingly believe that Canada is a great nation and has provided its people with unparalleled freedom and opportunity in an atmosphere of tolerance. According to one presenter:

> *Being a Canadian means much to me. It means being part of a diverse community of peoples who share common concerns and hopes for the future. It means being part of a community that cares about all of its members and constantly strives to share its bounties equitably among them. It means being part of a family with all of the joys and sorrows and responsibilities that families inevitably share.*
>
> *Mr. Kirk Stanley*

It is clear to the Task Force that Manitobans are optimistic that a constitutional compromise satisfactory to all regions can be achieved. In the words of one of our participants:

> *With our spirit of cooperation reawakened and with our shared desire to make Canada the greatest nation in the world, we will succeed. By working together we can achieve greatness.*

I believe we owe it to ourselves to unite this country and to hold it together. If we do it, we will all be winners.

Mr. Don Ramage

Our presenters were united in their view that the central government must have sufficient power and authority to redistribute wealth to the benefit of the have-less regions and the less advantaged citizens of our nation. This has been a central and enduring feature of our federal system much admired far beyond our own boundaries.

It is not surprising, therefore, that a recurring theme in presentations to this Task Force was a concern that all the great things that Canada has achieved might be endangered in the clamour for change. For example, several women's groups made appearances before the Task Force to argue for the continuation and even strengthening of Charter protection for women's rights. Although their existing rights were not viewed as currently being challenged, many recall their struggle against sections 1 and 16 of the Meech Lake Accord, provisions which they argued would have had grave implications for women's rights. They sought to forestall a repeat of that episode.

Other presenters suggested that the threat of political division might adversely affect Canada's international presence and activities. These people emphasized Canada's accomplishments in

the fields of international development and peace and security. They also noted how great numbers of people from around the world want to come to Canada and be a part of this country.

The Task Force emphatically shares these views. The progress that Canada has made since the Second World War economically and socially has given Canadians a standard of living that is in many ways the envy of the world. Yet there remains much more to be done to respond to the challenges of developing a more equitable social and economic milieu.

The very fact that Canadians can discuss in an open and civil manner fundamental changes in the country's political system proves the democratic nature of this country and the profound respect Canadians have for each other. It would be a tragedy if temporary problems and misguided policies put a premature end to this noble experiment in nation-building. Thus we must redouble our efforts to work towards the achievement of a political system which more successfully accommodates all Canadians of whatever distinctive group or region.

The Task Force is convinced that change is necessary if Canada is to reconcile all its peoples to one another. We believe that many of the changes, however, are not constitutional in nature but rather political. We hope that this report will contribute to the process of renewal which is in our view necessary if Canada is to

overcome its current difficulties and emerge as a stronger, more united and more harmonious nation.

THE CANADA CLAUSE

Coming to terms with our history, we believe, means coming to terms with the distinct societies which make up Canada's society and culture. Not to acknowledge that Quebec is distinct from the rest of Canada seems to be an attempt to rewrite Canadian history; not to recognize Canada's unique commitment to multiculturalism seems to be an attempt to ignore our history; not to acknowledge Canada's debt to its aboriginal people, we believe, is to deny our history.

Ms. Jeri Bjornson, Charter of Rights Coalition

The Manitoba Task Force on Meech Lake viewed the constitution as "*first and foremost a fundamental statement about Canada. It is a symbol of our nationality and identity.*"

The Manitoba Task Force on Meech Lake had recommended in 1989 that the 'distinct society' and 'fundamental characteristics' clauses of the Accord be expanded to become a *Canada Clause* which more accurately reflects the nature of Canada. The Task Force proposed that the existence of Canada as a federal state with a distinct national identity; the existence of the aboriginal peoples as a distinct and fundamental part of Canada; and the existence of Canada's multicultural heritage consisting of many origins, creeds and cultures be added to the fundamental characteristics.

In the hearings before the present constitutional Task Force, Manitobans clearly expressed their support for a vision of Canada that was inclusive rather than exclusive. Such a vision of Canada could strengthen Canadian unity by transcending individual, provincial and regional differences. As one presenter expressed it;

> *There should be a component of that constitution that says, these are the good things about being Canadian and I am reminded of that when I look at the constitution, and I am determined to be a part of that constitution as a Canadian, whether I am from Quebec, from Manitoba, from British Columbia.*
>
> *Mr. Dean Lawryniuk*

We have considered the presentations that have been made to us. While we recognize that a list of fundamental characteristics whether in the preamble or a substantive section of the constitution may be largely symbolic, we also recognize that symbols are important in the life of a nation.

We believe that Canadian unity would indeed be strengthened by an inclusive statement in the constitution of the fundamental characteristics of Canada. Such a statement should affirm the national identity and character of Canada while recognizing the

diverse elements of the Canadian mosaic. Such a statement would then provide a guide to the meaning of Canadian nationality.

We recommend that the Canada Clause begin with a clear statement expressing a commitment to a strong and united Canada. To advance this goal Canadians have chosen a federal governing structure which, while responsive to the provincial and community levels, remains committed to a strong sense of national identity.

Included in this statement there should be a recognition of the fundamental equality of provinces. Such a statement would not deny the continued existence of numerous practical differences in the relationships between provinces and the federal government, some of which date from and were conditions of a province's entry into Confederation. Nor do we assert that all provinces must share the exact same duties and responsibilities. After all, flexibility is a guiding principle of federalism.

The Task Force believes, however, that conferring powers or privileges on one province or region and not others, can endanger national unity. For this reason we believe the principle of the fundamental equality of the provinces must be honoured.

There was a clear consensus at our public hearings that any constitutional statement about the fundamental characteristics of Canada must proudly recognize the contribution of aboriginal

people. In several presentations, it was suggested that this could best be done by recognizing the aboriginal peoples as the original people and a fundamental characteristic of Canada.

If the statement is to encompass and celebrate Canada's reality, the co-existence of two official languages in Canada should be clearly stated. It is incumbent on the governments of Canada to be positive in their efforts to secure for all citizens the means by which this linguistic heritage might be expressed.

A constitutional statement recognizing the fundamental characteristics of Canada must also include a recognition of the unique place of Quebec in the Canadian federation. The flourishing of the French language and culture in Quebec together with the civil law system eloquently illustrates the capacity of the Canadian federal system to embody pluralism. We have reached a point in our constitutional development when it is time to reach out formally to the people of Quebec and recognize in the constitution their special identity which has contributed so significantly to the building of Canada.

No statement of the fundamental characteristics of Canada could be complete without a strong recognition of the contribution made by the millions of people who have come to this country from all parts of the world and who have made Canada a multicultural society.

Finally, during the hearings process, many presenters praised the fact that all Canadians are protected by and subject to the provisions in the Charter of Rights and Freedoms. Therefore, the Task Force recommends the Canada Clause should include an affirmation of the application to all Canadians of the rights and freedoms contained in the Charter.

CHAPTER 2

THE CANADA CLAUSE

RECOMMENDATIONS

The Task Force recommends that the constitution include a statement, to be called the Canada Clause, that recognizes the fundamental characteristics of Canada. The Canada Clause should include:

(a) a commitment to a united Canada and recognition of the equality of the provinces;

(b) recognition of the aboriginal people as constituting the original people and a fundamental characteristic of Canada;

(c) the status of English and French as the official languages at the federal government level;

(d) recognition of the unique place and role of the province of Quebec in Canada;

(e) recognition of the contribution to Canada of our multicultural society;

(f) an affirmation that the rights and freedoms contained in the Charter of Rights and Freedoms apply to all Canadians.

THE RIGHTS OF CANADIANS AND THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

A. Rights Contained in the Charter of Rights and Freedoms

It is clear from our public hearings that Manitobans cherish their rights as embedded in the Charter and that they will not tolerate any possibility that those rights be put at risk. Manitobans from a diversity of backgrounds insisted that their elected representatives be vigilant to ensure that no constitutional amendment compromises the rights embodied in the Canadian Charter of Rights and Freedoms.

The strength of commitment to this position is exemplified by a representative of the Brandon Women's Study Group who stated, *"our primary concern in any constitutional amendment is recognition of the paramount importance of the Canadian Charter of Rights and Freedoms, that nothing in any amendment to the constitution abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."*

Beyond the concern that the rights contained in the Charter not be compromised, some presenters urged that more rights be added to the Charter. Several presenters suggested that "social" or "collective" rights should be created or widened including

strengthening the rights of labour, providing a right to government services and a right to a reasonable standard of living. There was some discussion of the need for a social charter to exist alongside the Charter of Rights and Freedoms.

The Manitoba Federation of Labour, for example, stated that *"Canadians need and would benefit from a constitutional recognition of their right to economic security. It is a simple fact of reality that people need a job if they are to take part in the economic rewards of a wealthy country such as Canada. Those unable to work because of disability, family responsibilities, social deprivation or age still require financial security."*

Several presenters advocated the removal of the Notwithstanding clause (Section 33 of The Constitution Act, 1982). These presenters argued that no government should be empowered to override the rights embodied in the Charter. We note that the Liberal Party of Manitoba supports this position.

The Task Force, however, recommends no change to the existing Charter in the present round of constitutional discussions. In our view, these discussions should give priority to political and institutional reforms to accommodate aboriginal peoples and the concerns of the various regions of Canada. However, in the near future, we believe there should be a review of Charter rights, both individual and collective.

B. Treaty and Aboriginal Issues

The question of the constitutional status of aboriginal Canadians is of special and immediate concern to Manitobans. Manitoba has one of the largest aboriginal populations on a per capita basis of any province. Furthermore, Manitoba first nations are prominent in national aboriginal organizations, and on constitutional questions aboriginal people from Manitoba have played a leading role in national decision-making.

Manitobans support the cause of treaty and aboriginal rights. We were therefore disappointed by the failure of the series of First Ministers' Constitutional Conferences on treaty and aboriginal issues held between 1982 and 1987.

Public presentations and written briefs to the Task Force on the issue of treaty and aboriginal rights were almost unanimous in their support for constitutional reform to recognize the rightful place of Canada's aboriginal people in Canadian society and in the structures which shape and give substance to the Canadian milieu. Manitobans consider such recognition to be long past due and urged the Task Force to set aside technical arguments that have hampered the recognition of treaty and aboriginal rights in the past. According to Mr. Yvon Dumont of the Manitoba Metis Federation, "*the constitution must be legitimized by the recognition and protection of the rights of the aboriginal peoples of Canada.*"

The Task Force agrees that it is in the best interest of our province and the country as a whole to address aboriginal issues as a constitutional priority. From our perspective, the next round of constitutional discussion provides an important opportunity to solve this long standing constitutional impasse. As the Assembly of Manitoba Chiefs said to us in their presentation,

> *The First Nations are the original peoples of Canada. We have made the greatest and most generous contribution to Manitoba and Canada - we share our land with everyone. Our unique place within Canada and Manitoba places an obligation on us to share with you our hopes, expectations and dreams of the land now called Canada.*

We believe that it is essential that we create a process of discussion and negotiation to define, within the social and political framework of Canada, the concept and principles of aboriginal self-government. The Task Force believes that the time is now right for such an initiative. The federal government in the May 13, 1991 Speech from the Throne reaffirmed its desire for Canada's aboriginal peoples to participate fully in Canada's economic prosperity and political life. The federal government appears willing to respond to the concerns of aboriginal people in a meaningful way and has established a Royal Commission to study aboriginal issues.

While the Task Force applauds this federal initiative, we believe that we should not delay progress while awaiting the Royal Commission's report. We are in agreement with Chief Jack Flett of the Island Lake Tribal Council who states, "*Let us stop studying aboriginal people. Let us go on with a plan of action to resolve the unfinished business with the aboriginal people.*"

We suggest an evolutionary process in which representatives of aboriginal groups and the governments of Canada work together to construct a new relationship. The first step in establishing trust would be to respond to the aboriginal peoples' demand that their place in Canada be recognized in the constitution. This process should therefore include a clear and unequivocal recognition in the constitution that aboriginal peoples constitute the original people and a fundamental characteristic of Canada. As we note above, this recognition is properly embodied in the Canada Clause.

Having recognized that aboriginal peoples are an integral part of Canada, we must move swiftly to give meaning to this recognition by entrenching in the constitution of Canada that aboriginal peoples have the inherent right to self-government within the Canadian constitutional framework.

Unfortunately, policy based on the racial ideology of the 19th century, which was designed to eliminate aboriginal culture and institutions, along with the failure by Canada to honour its

obligations under the Treaties, particularly regarding land claims, have greatly undermined this inherent right. The present situation of the aboriginal peoples is consequently little short of a national disgrace.

We realize that equipping the aboriginal peoples with the tools necessary for them to regain control of their cultural identity while interacting, as they must, with the larger society is a major task that will take time and goodwill. We believe, however, that delaying the recognition of the right of the aboriginal peoples to self-government until all the practical details of implementing that right have been agreed upon is effectively to deny in practice what we support in principle.

The Task Force recommends that the governments of Canada move quickly to create and entrench in the constitution a clear and structured process for negotiating the details of self-government. Although we accept that recognition must come first, provision must be made to clarify its implications for the aboriginal peoples and their fellow citizens. There are pressing concerns related to education, health care provision, and aboriginal language rights which require immediate attention and might be affected by constitutional change. A structured decision-making process is made all the more necessary by the complexity of the issues and the diversity of aboriginal communities.

In these discussions we must ensure that aboriginal people are fully involved in the decision-making process because that alone will make self-government meaningful. This point is forcefully argued by Mr. Phil Fontaine of the Assembly of Manitoba Chiefs, who states: "*the very point of expressed recognition and protection is to give us constitutional freedom to define our governments for ourselves.*"

We also recommend that aboriginal people participate directly in the whole process of constitutional reform in Canada by ensuring that there is aboriginal representation and participation, as a matter of right, at all future First Ministers' Conferences on the constitution and at all other relevant meetings.

At the provincial level, we acknowledge that the Manitoba Government must address the concerns of aboriginal Manitobans. We recommend that the government of Manitoba discuss these concerns and other relevant proposals with the appropriate aboriginal leaders. Moreover, we recommend that the Manitoba government consult with the aboriginal people in a thorough review of The Manitoba Act as it relates to aboriginal matters.

C. Language and Educational Rights

In our public hearings, many presenters discussed rights related to language and culture, including those of the aboriginal

people. Such rights are indeed central to our individual and collective sense of identity. Manitobans recognize as well that these rights are fundamental to our nation. At Confederation, French was the primary language of communication of the new Province of Quebec but there was a significant English-speaking minority. Although English was the predominant language in the other provinces, there was also a significant French-speaking population. As new provinces joined the federation, legal and political compromises were reached to accommodate the differing linguistic and demographic realities of these provinces. As a result, language rights vary from province to province.

In Manitoba, Section 23 of The Manitoba Act guarantees to the Francophone minority the right to use their language in the legislature and the courts and requires that the Acts of the legislature be published in English and French. In 1985, the Supreme Court affirmed the mandatory nature of Section 23. Although Manitoba has fully complied with its understanding of the Supreme Court decision, there are some questions that remain unresolved. In December 1990, the Province of Manitoba and the Société franco-manitobaine jointly applied to the Supreme Court of Canada for clarification of some issues raised by the 1985 decision. The Court has heard the case and has reserved judgement.

Undeniable progress has also been made in recent years in meeting the desire of Franco-Manitobans to receive practical

assistance from the provincial government to preserve their language and culture. With all-party support, the Manitoba government has introduced a French Language Services policy. The policy seeks to make government services available to Franco-Manitobans in a practical and effective way.

These efforts have resulted in a good working relationship between the government and Franco-Manitobans. The result, according to Mr. Raymond Bisson, President of the Société franco-manitobaine is that "*in matters of culture, education and economy, the community possesses the necessary structure to ensure a French life with a surprising vitality.*"

At the federal level, the recommendations of the Royal Commission on Bilingualism and Biculturalism led to the passage of The Official Languages Act which seeks to ensure that federal government services are available in both English and French in all regions of the country.

The Charter of Rights and Freedoms, a central element of The Constitution Act, 1982, includes protection for minority language education rights. The Charter also recognizes English and French as the official languages of Canada and incorporates many of the principles of The Official Languages Act.

The Meech Lake Accord had proposed to include in the constitution a recognition of the official linguistic duality of Canada. The concentration of Francophones in Quebec and the existence of official language minorities were also recognized as fundamental characteristics. As stated in our section on the Canada Clause, the Task Force supports the recognition of these features of Canadian society as part of an expanded description of the fundamental characteristics of Canada.

Our support for the principle of official languages is coupled with the recognition that bilingualism policies must be applied on a basis which recognizes local needs and conditions. Furthermore, bilingualism programs must be implemented in a sensible manner with due regard for efficiency.

D. Multicultural Rights and Federal Policies

Multiculturalism was frequently commented on at our public hearings. In general, the view that multiculturalism is an asset to Canada was supported. Manitobans support the right of Canadians to "preserve and enhance" their cultural and linguistic heritage contained in Section 27 of the Charter of Rights. There were some presenters, however, who thought that multiculturalism is inherently divisive. A more widespread complaint related to the use of public funds to support multiculturalism.

We have already stated our support for recognition of multiculturalism as a part of an expanded Canada Clause. Concerns regarding multicultural programs are more policy matters than matters calling for constitutional change. The Task Force therefore does not recommend that multiculturalism be a focus of discussion or that constitutional changes be proposed on this subject in the upcoming round of negotiations. However, a regular review of policy and programs in this important area is desirable.

CHAPTER 3

THE RIGHTS OF CANADIANS AND THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

RECOMMENDATIONS

1. The Task Force recommends a process to review Charter rights, both individual and collective, should be established in the near future. This review should provide an opportunity to discuss the issues related to the notwithstanding clause.

2. The Task Force recognizes the aboriginal peoples' inherent right to self-government within the Canadian constitutional framework and recommends that this be entrenched in the Canadian constitution.

3. Following from Recommendation 2 above, the Task Force recommends the creation of a process, acceptable to aboriginal people and entrenched in the constitution, that would work towards a definition and practical implementation of aboriginal self-government.

4. The Task Force recognizes the right of aboriginal people to participate in all constitutional reform processes.

5. The Task Force recommends an agenda be developed, in consultation with aboriginal peoples, to address aboriginal concerns within Manitoba. This agenda should be actively pursued by the Manitoba government.

6. The Task Force affirms its support for programs which serve linguistic minority communities.

7. The Task Force supports the recognition of multiculturalism as a fundamental characteristic of Canada. A regular review of policy and programs in this area is recommended.

REFORM TO THE INSTITUTIONS OF GOVERNMENT

A. Towards a New Second Chamber

In a letter from the Premier of Manitoba dated December 5, 1990, our Task Force was given a mandate to examine a range of constitutional issues. Although the Premier wished to ensure flexibility, several issues were enumerated which, it was assumed, would absorb much of the Task Force's attention. The first issue on this list was Senate reform and specifically, the Meech Lake Task Force's conclusion that "Manitobans favour an elected, equal and more effective Senate."

The question of the Senate and its reform was indeed a central focus of concern for Manitobans appearing before the Task Force. In fact, the utility of the Senate and its possible reform was the single most debated issue. The existing Senate had very few defenders. As now structured it was viewed as offensive, wasteful and even dysfunctional. The conclusion of approximately a third of the presenters who addressed the question of the Senate was that it should be abolished. In the words of one presenter, "*the Senate in its present form is a disgrace. It is a national, and it is becoming an international, embarrassment...the cheapest, quickest and safest way to get rid of it is outright abolition, and that is*

the recommendation that I would urge that this task force make to the government."

The majority of presenters who spoke to the issue of the Senate argued that a new second Chamber might do what the existing Senate has failed to accomplish. Specifically, a new second Chamber could respond to the desire of Manitobans to see a more equitable balancing of national and regional concerns. As one presenter suggested, the Senate, "*does not service the needs of Canada for a House where the full range of our regional problems and the effect of national policies on these problems can be discussed with independence and authority.*"

From this perspective, a new second Chamber could provide a powerful voice for Manitobans and indeed all Canadians in the regions and thereby ensure that the federal Parliament is sensitive to the needs of all Canadians.

The Task Force unanimously recommends that the existing Senate be dissolved and a new second Chamber be created to replace the existing Senate. As now constituted, the Senate does not perform effectively. The challenge of creating responsive and effective national and regional policies requires representative institutions which are ultimately and continuously responsible to the people. One such institution, the predominant chamber, should be the House of Commons.

The direction of this reform raises many questions, however, and Task Force members believe that careful consideration must be given to the range of reform proposals. Details of how this new second Chamber would be chosen, the distribution of seats, and its responsibilities, should be discussed in detail by appropriate bodies, which could include a constituent assembly or assemblies whose recommendations could then be considered by citizens, legislatures and governments. The Task Force is agreed, however, that certain principles should guide these deliberations.

As a first principle, the new second Chamber should act as a voice to speak for provincial/territorial and regional concerns and it should be capable of reviewing the decisions made by the House of Commons.

A further principle is that members of the Chamber should be elected. A mandate from the people would give a new second Chamber the necessary status and legitimacy to undertake fully its assigned duties. Consideration should be given to setting aside seats for certain groups to ensure that the Chamber is representative of important concerns.

The question of the distribution of seats in a reformed second Chamber has been the subject of much debate. We suggest consideration of the principle of an equal or equitable

distribution of seats. This would grant to the Western and Atlantic provinces balanced representation with central Canada.

Beyond the question of how members are elected to the second Chamber and the number of representatives from each region, we believe careful consideration must be given to the powers that would be exercised by that Chamber. Except that a money bill cannot be introduced in the Senate and that the House of Commons can pass a constitutional amendment over the Senate's objection after one hundred and eighty days, there are no restrictions on the existing Senate's powers. Although the existing Senate is not a confidence chamber, which is to say that the government is not forced to resign if legislation originating in the House of Commons is rejected, the Senate remains a very powerful body capable of frustrating the will of the House of Commons. The Senate has been restrained in exercising these powers by the realization that it lacks legitimacy to oppose the House of Commons. Simply electing Senators could give them that legitimacy and lead to deadlock. Thus a balance must be struck and many presenters voiced opinions favouring restrictions on the power of a new second Chamber.

I do feel, however, that the Senate could provide an effective vehicle for examining legislation proposed by the House of Commons, but I feel that their ultimate authority should be to

delay and not to veto legislation passed by the House of Commons.

Ms. Holly Beard

The Task Force believes that the role of the House of Commons as the ultimate seat of national decision-making must be respected. A new second Chamber should not have the power to deny the majority but instead should be able to ensure that regional issues and concerns are given a full hearing.

A very significant role which a new second Chamber should perform would be to review appointments made by the central government to ensure that the selection process is fair in its treatment of regional concerns. As well, significant regional concerns are often affected by the policies of Crown corporations, independent regulatory agencies and administrative tribunals. The second Chamber should also review appointments to these bodies.

If a reformed second Chamber is to be truly a voice of the regions, it should have the power to review changes to crucial federal policies which have a substantial impact on regions and especially on provinces such as Manitoba that have less fiscal capacity. The most obvious examples of such policies are those which involve equalization and Established Program Financing.

We wish to reiterate that all of these matters related to the new second Chamber must receive careful consideration. As we suggest above, the Task Force believes that these questions could be assigned for consideration to a constituent assembly or assemblies, although there will undoubtedly be discussion of the detailed issues related to the new second Chamber in many forums.

B. Constitutional Change and the House of Commons

The House of Commons is the central institution in our system of parliamentary government. Naturally, the function of the House of Commons was the subject of many presentations made to the Task Force. While many presenters argued that democracy was not well served by the way the House of Commons now functions, most presenters sought to strengthen the existing parliamentary system rather than replace it.

Rigid party discipline in the House of Commons was frequently criticized. One presenter concluded that it "*often militates against both informed conscience and responsible representation.*" Members of Parliament are bound by the decisions of their caucuses and are expected to vote with their party on all issues except in the rare case of a free vote. As a result, Members of Parliament are sometimes expected to vote contrary to their own beliefs and contrary to the predominant opinion of their own constituents and

even the majority opinion of their province. Most presenters urged that party discipline in the House of Commons be relaxed and that more free votes be held. Several briefs suggested that non-confidence votes should only occur on the Speech from the Throne, the Budget and on major legislation.

The Task Force supports a vigorous endeavour to strengthen the role of individual members within the House of Commons. This can be accomplished by changes to the Rules of the House and should not be the subject of constitutional negotiations.

In our public hearings, there were also many who spoke forcefully for reforms that would by-pass the parliamentary system. Some presenters urged that a system of recall be instituted so that a Member of Parliament who is not properly reflecting constituent concerns could be challenged, forced to resign and seek re-election. In our opinion, this proposal does not appear to be practicable in the Canadian context.

An alternative reform that was suggested was instituting a system of plebiscites to gauge public opinion on important issues or holding referenda that would be binding on Parliament.

In our section on the amending process, we note the potential utility of referenda for clarifying public opinion on constitutional options. However, as a tool for general policy

development, the Task Force considers that both plebiscites and referenda pose difficult logistical problems related to the wording of the question and the timing of the vote and are not useful alternatives to existing methods of making decisions.

Electoral reform was another matter which some presenters urged the Task Force to support. Some presenters urged the Task Force to consider the introduction of some form of proportional representation for elections to the House of Commons. It was argued that proportional representation would allow for better representation of minorities and lead to a distribution of seats in Parliament which more accurately reflects the public's electoral support of the major parties.

After careful discussion and analysis of this proposal, the Task Force has decided to make no recommendations on electoral reform. We suggest that the Manitoba government give careful consideration to the findings of the Royal Commission on Electoral Reform and Party Financing when it tables its report.

C. The Supreme Court

The Supreme Court is a crucial institution within our federal system. Its decisions on such matters as the spending power directly affect the relationship between the federal and provincial governments. Thus we must seek to ensure that the Supreme Court

is an impartial interpreter of the law as it applies to federal-provincial relations.

The Task Force believes that the selection of Supreme Court Justices should be changed to ensure that the Supreme Court is sensitive to regional concerns. The legitimacy of the Court can only be enhanced by replacing the existing centralized and unilateral selection process with a process that would provide for federal-provincial-territorial consultation prior to the federal government formally appointing a new justice to this highest court.

CHAPTER 4

REFORM TO THE INSTITUTIONS OF GOVERNMENT

RECOMMENDATIONS

1. The Task Force recommends the existing Senate be dissolved and the creation of a new second Chamber that will effectively speak for provincial/territorial and regional concerns.

2. The Task Force recommends the following principles guide the creation of a new second Chamber:

   (a) the second Chamber should be elected;

   (b) seats should be distributed equally or equitably to balance provincial/territorial representation;

   (c) the second Chamber should have the power to review and if necessary, delay legislation but only for a limited period of time;

   (d) the second Chamber should be given the role of reviewing significant appointments made by the federal government;

   (e) the second Chamber should be given the power to review federal programs that impact directly on the provinces such as equalization and EPF legislation.

3. Among various forums which will consider the details of a new second Chamber, a constituent assembly should be considered as an appropriate mechanism for this purpose.

4. In order to introduce a degree of sensitivity to the concerns of the regions, the Task Force recommends the establishment of a federal-provincial-territorial consultative process for the selection of Supreme Court Justices.

THE POWERS OF CANADIAN GOVERNMENTS AND THE CANADIAN ECONOMIC UNION

A. Renewed Federalism and the Division of Powers

Federalism distributes power between levels of government. Ideally, the government best able to perform a function should be given the power and the resources to do so. Matters which require national planning and implementation should be performed by the central government and matters of a regional or local nature should be the responsibility of the provinces and territories.

The original division of powers made by the Fathers of Confederation in 1867 has been modified by judicial decisions, federal-provincial agreements and ad hoc solutions to pressing problems. For example, restrictive judicial decisions on the scope of the federal trade and commerce power have been offset by a broad interpretation of the federal spending power.

Many of the most important functions of modern government such as protection of the environment are not even mentioned in the constitution. Not surprisingly such functions have led to constitutional litigation, overlapping jurisdictions and competing bureaucracies. In recent years, the normal competition between governments has been exacerbated by the fiscal difficulties of the

federal government which has led it to a reduction of vital financial support for national programs such as Medicare.

The Task Force recognizes that there is an opportunity in the next round of constitutional discussions to address some of the problems in the existing division of powers. We are conscious, however, that constitutional change is not a panacea for Canada's economic and social problems. The Task Force urges that any proposal to transfer powers be thoroughly examined and reflect a balanced appraisal of the needs of the regions and of the country as a whole. According to one presenter,

> *It is my view that one of the things that has to be resolved in any constitutional reform is the clear division of responsibilities between the federal government and the provincial governments. After that clear delineation has been made, then the taxation authority of the separate levels of government has to be revised commensurate with the responsibilities that are given to the different governments.*
>
> *Mr. Robert Smellie*

B. The Maintenance of a Strong Central Government

The Task Force believes that in a period of intense international competition a strong central government is essential to national well-being. As well, a strong central government can

create a sense of nationhood and association between different parts of the country by supporting effective and visible national institutions.

Manitobans believe that all Canadians should be able to share equitably in the resources and benefits of the nation as a whole. A strong central government is required for such programs as equalization, Established Programs Financing (EPF) and the Canada Assistance Plan (CAP). We are concerned, therefore, by federal government cutbacks to such programs. While means can be found to ensure that these national programs better reflect the regions, they are essentially national in scope and play a crucial role in preserving national unity.

In our public hearings, many supported a strong central government while at the same time criticizing "Ottawa" for a lack of sensitivity to Manitoba and Western concerns. These attitudes are not in conflict. Instead, they illustrate that Manitoba is part of the larger Canadian society and economy and that in some cases national policy-making and administration have unfairly penalized this province.

We believe that governments should be prepared to respond to problems in an open and flexible way. We should begin by developing a national strategy that will allow us to eliminate wasteful duplication of services. Reducing the waste and confusion

that often results from multi-layered and competing bureaucracies would result in greater efficiency in the delivery of services and make them more accessible to citizens. An important benefit of such efforts would be to clarify which level of government is accountable to the citizens for the delivery of a service.

We repeat that a clear separation of responsibilities is not a panacea for all Canada's ills. The Task Force believes that in certain policy fields there could be merit in expanding federal-provincial cooperation. For example, we might consider an expanded role for the federal government in the regulation of the environment.

In addition, the Task Force recommends study of a strengthened participation of the federal government in the area of higher education. We believe that education, while a provincial responsibility, can be a crucial component of any economic or employment strategy. One avenue which might be considered is that the federal government could facilitate the development of country wide objectives in post-secondary education. At the same time, we share the concerns of many Manitobans that federal involvement must not affect equality of access to our institutions of higher learning. Furthermore, we must ensure that federal participation does not result in conformity being imposed upon our universities so that flexibility and innovation are compromised.

C. The Federal Spending Power

As stated above, a clear message the Task Force received from the public hearings is that Manitobans are supportive of a strong central government. According to one presenter whose opinion was shared by many, *"I believe the people of Canada have the right to a strong and effective federal government that works to ensure that all people are treated equitably and works for the best interests of the nation as a whole."*

The practical implication of this sentiment is that the Parliament of Canada should be able to utilize fully its spending power to address national concerns. Furthermore, such expenditure may extend into areas of provincial jurisdiction. At present, health care and post-secondary education are primary examples of programs within provincial jurisdiction where funding is shared by the federal and provincial governments. The Task Force supports the continued joint funding of such programs and we seek to ensure that there is a continued high degree of equality in the provision of services across the nation.

For Manitobans, the desire to maintain a degree of equality of services at the national level is of special concern because of our status as a less prosperous province. According to one presenter, *"We recognize the disparity among provinces and their ability to provide resources for national social programs. This makes the*

role of the federal government essential in the funding and initiating of these programs." If a new national program within provincial jurisdiction were deemed desirable, Manitobans have a right to benefit to the same degree as Canadians in other provinces.

While the Task Force is supportive of a strong role for the federal government in serving the national interest, we also have concerns. The Task Force seeks to ensure that national programs in areas of provincial jurisdiction do not stifle creativity at the community level and that national programs should be adaptable to the specific needs of a region. It is by carefully tailoring government services to the needs of the community that the benefits of national policies are maximized. Thus while we agree the federal government should be allowed to develop new national programs which might extend into provincial jurisdictions, provincial governments should retain the option to contract out of such programs and receive reasonable compensation if national and provincial programs are sufficiently parallel.

Of course this must be balanced by a recognition of the danger to Canada's social security system if the criteria for compensating 'opting out' provinces is made too lenient. This was a central concern of Manitoba during the debate over the Meech Lake Accord. In the final report of the Meech Lake Task Force it was recommended that a section of the Meech Lake Accord be deleted which would have

eased the process of opting out of national programs. The Report stated, "*The Task Force cannot endorse an amendment to the constitution which is so controversial and which many presenters believe might undermine our sense of national community by limiting the ability of the federal government to respond to the universal needs of Canadians.*"

We believe that the spending power of the federal government should be considered in the overall context of a review of the division of powers and we urge the government to remain open to suggestions that may come from other jurisdictions regarding amendments to the constitution in this important area. In the words of one presenter,

> *Any changes to the constitution must address in unequivocal terms the issues of the federal government's spending power, the federal government's obligations in shared programs such as Medicare, Canada Assistance, post-secondary education and so on and the issue of equalization payments.*

D. Equalization

Unlike CAP and EPF which are payments made to all provinces that carry out specified programs, equalization payments are unconditional transfers to less prosperous provinces. These

transfers work to ensure that such provinces are capable of providing their residents with services reasonably comparable to the services that can be provided by richer provinces. As such, equalization payments are among the most important obligations of the federal government and have been described as "*the cornerstone of Confederation*".

The significance of equalization was recognized by Section 36 of The Constitution Act, 1982 which commits the federal government to ensuring that "*provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.*"

Although the current equalization formula was negotiated by the federal government with the provinces, the federal government has unilaterally placed a ceiling on equalization payments in order to reduce the federal government's expenditures. The Task Force heard from many Manitobans who expressed their concern about this limit on federal financial redistribution. Some presenters advocated a strengthening of Section 36 and supported measures which would grant provincial governments a voice in how the basic formula is structured. There was even a suggestion that the current equalization formula be embedded in the constitution.

The Task Force shares these concerns and recommends that the constitutional guarantees of equalization payments be strengthened.

We believe, however, that entrenching the current formula in the constitution would make equalization too inflexible. There must be room for periodic mutually-agreed adjustments of the equalization formula.

The Task Force recommends amendments to Section 36 to strengthen the federal government's constitutional obligation to the provincial governments. Aside from clarifying the federal government's obligation, such amendments could ensure that equalization can not be paid to individuals or groups to satisfy this responsibility, and could require a full, not partial, financial commitment to transfer equalization.

In addition, the Task Force recommends an addition to Section 36(2) which would require the federal government to "establish a formula" to fulfil its existing obligation in Section 36(2). This would preclude the setting of an arbitrary ceiling on equalization and would ensure that equalization payments would be transferred at regular intervals.

In the area of consultation, the Task Force recommends constitutional change to give the provinces a stronger voice in the process of reaching decisions about equalization. With this amendment, guidelines and processes for modifying and implementing the formula might be developed.

E. Established Program Financing

Established Program Financing (EPF) is a program under which the federal government transfers funds to the provinces for use in financing health care and post-secondary education. EPF is vital to ensure that all provinces are able to provide a reasonable level of these services to their residents. For this reason, federal cutbacks to EPF payments raised grave public concern during our hearings. One presenter summarized the concerns of many Manitobans about the results of federal cuts by saying "*substandard services will end up being created in different regions, especially rural areas.*"

The Task Force shares the concerns of Manitobans that Canadians, especially those in the less advantaged provinces, will suffer from the changes made by the federal government. These changes may drastically alter the federal contribution to EPF in the near future. Inevitably, the massive reduction of the federal contribution will increase the financial burden on provincial treasuries and will mean the end of national standards as the provinces respond to these changes in diverse ways. In turn, the erosion of national standards will undermine national unity. As one presenter said, "*when a federal government seeks to reduce or off-load responsibility to the provinces, it is in effect off-loading national unity to the provinces.*"

Because EPF is a self-imposed, statutory obligation on the federal government, it can be changed unilaterally by Ottawa. The Task Force recommends that the federal government's obligation to support EPF programs be entrenched in the constitution. Furthermore, we recommend that mechanisms be developed to ensure that the federal government is sensitive to the concerns of the provinces on this subject.

F. The Roles and Powers of Provincial Governments

As we stated above, a federal system requires that power be divided between the federal and provincial governments. Provincial jurisdiction should serve regional needs while federal jurisdiction should meet the needs of the nation as a whole. No listing of powers in the constitution, however, can be exhaustive or meet the sometimes rapidly changing circumstances of modern society.

While a constitutional clarification of roles in certain fields may be desirable, we must realize that a federal system requires a working relationship between the federal and provincial governments. We should therefore be prepared to develop flexible mechanisms to harmonize policy at the federal, regional and provincial levels. This approach reflects an appreciation of the realities of this diverse nation and builds upon Canadian practice. We are also open to an expansion of the number of powers that would be held concurrently.

The Task Force emphasizes, however, that flexibility must not be interpreted to permit constitutional special deals or special status which are offered to some provinces and not to others thereby creating a hierarchy of power or privilege among the provinces. Such an approach would threaten the principle of the equality of the partners within Canada's federal system by creating classes of provinces. The "*principle of equality of all the provinces*" was unanimously recognized by the first ministers in the 1987 Constitutional Accord.

In our public hearings, while presenters were generally supportive of flexibility, they emphasized that the integrity of national institutions must not be jeopardized. Furthermore, the national government must retain sufficient power to redistribute wealth to the less prosperous regions.

As stated above, a change in the existing division of powers is a process which requires lengthy consideration. While the Task Force recommends no specific change to the powers that the provinces currently exercise, the Manitoba government should remain open to considering any such recommendations which may be advanced by others.

We are aware that the current Quebec National Assembly has established committees to examine Quebec's constitutional future. As well, legislation requires that a referendum on Quebec

recognizes that the official opposition in Quebec is committed to independence for the province of Quebec. Difficult choices lie ahead if we are to meet the challenge of securing Quebec's willing adherence to a renewal of Confederation. Such an adherence is clearly the desired goal of most Manitobans.

We believe we are accurately reflecting the concern expressed by many presenters over Canada's future should Quebec choose to separate. While virtually no suggestions for concrete change in the division of powers were made to the Task Force, many presenters urged compromise. La Société franco-manitobaine, for example, while strongly defending The Official Languages Act and the language guarantees found in the Canadian Charter of Rights and Freedoms, also said that every effort should be made to be open to the people of Quebec and to respond to the Quebec government's concerns. The Société urged that we find "*ways of increasing agreements for cooperation and collaboration with Quebec on economic, cultural, social and political levels.*"

The Task Force believes that every effort must be made to reach out to Quebec and reinforce our common commitment to the federal system. We must also redouble our efforts to make others aware of the benefits of national unity and identify the costs if fragmentation were to replace federation. At the same time, we recommend a careful and sympathetic review of any proposal for a new constitutional partnership. As one presenter suggests, "*if it*

is going to be possible to have a Canada from sea to sea, then the process is going to have to be one of give and take."

The Task Force believes that a possible solution to the problem of recognizing the equality of all the partners of Confederation while introducing flexibility might be found in a provision for delegation of legislative authority between the federal government and the provinces. The Task Force suggests that this matter be studied further.

Very few presenters raised issues related to municipal governments. The Task Force would, however, encourage an analysis of the functions and relationships among all categories of governments in Canada which would assess the effectiveness of the existing arrangements.

G. Barriers to Interprovincial Economic Activity

Although Section 121 of The Constitution Act, 1867 was intended to allow the free flow of goods and services between provinces and to create a single integrated Canadian market, there currently exist many interprovincial economic barriers. These barriers may include, for example, government procurement practices that require purchase from local suppliers even if their bid is higher than an out-of-province supplier and also licensing and preferential hiring practices that may inhibit the free movement of

skilled labour. Such protective practices have an undeniable attraction for provincial governments eager to build their provincial economies and to provide employment for their residents. We note as well that the Charter of Rights and Freedoms specifically permits programs to ameliorate the conditions of disadvantaged individuals or groups.

With the general increase in world trade since the Second World War, there has been increasing recognition that there are hidden costs to all barriers. For example, firms that are guaranteed contracts even if they are not the lowest bidder have little incentive to become cost efficient. They may therefore be unable to compete in the international market.

With the glaring exception of trade in some agricultural products, a sector of the economy which has suffered greatly in Canada, some progress has been made to reduce international trade barriers. Progress has also been made in the reduction of economic barriers within Canada. An interprovincial agreement to reduce barriers was signed by nine provinces in 1990. This agreement requires the phasing out of many restrictive practices.

The Task Force believes that such barriers reflect a vision of Canada which emphasizes our separateness and places local and provincial concerns above those of the nation. We believe there are benefits for every part of the country if we eliminate barriers

that weaken the Canadian economic union. The solution requires political action and we urge the provinces to acknowledge the dangers of interprovincial economic barriers and work with the federal government towards their elimination.

H. The Constitutional Status of Territorial Governments

The Northwest Territories and the Yukon face constitutional issues similar to those in the rest of Canada. But, unlike the provinces, they are not guaranteed a voice in constitutional negotiations so their fate may be determined without their input. The process of constitutional reform has too often treated the territories as a political hinterland.

In Manitoba's Meech Lake Task Force Report of 1989, it was noted that "*the Yukon Territory and Northwest Territories are an integral part of the country*" and that "*Canada can only benefit by having representation from all corners of the country.*" First, we concur with this finding and recommend that the territories be granted full participation in all constitutional conferences. As well, the territories should participate in any intergovernmental meetings and indeed any forum where the constitutional concerns of Northerners might be discussed. In one vital area, the treatment of Canada's aboriginal peoples, the Northwest Territories can make a special contribution because it is the only jurisdiction in Canada where aboriginal people are a majority.

Secondly, the Task Force recommends that the constitution be changed to ensure that a territory can achieve provincial status by agreement with the federal government and passage of the necessary legislation by Parliament alone. This process would recognize the historical fact that all other provinces entered Confederation without requiring the consent of the existing provinces.

Finally, because we believe that the territories should be fully involved in affairs of national importance, we recommend that territorial governments participate on the same basis as the provinces in the selection of the Supreme Court Justices.

CHAPTER 5

THE POWERS OF CANADIAN GOVERNMENTS AND THE CANADIAN ECONOMIC UNION

RECOMMENDATIONS

1. The Task Force supports the maintenance of a strong central government. We feel it is essential for the equitable functioning of the Canadian federal union that the central government has the capacity to respond to the needs of the less advantaged citizens and regions of the nation.

2. The Task Force recommends the strengthening of the constitutional provisions regarding equalization by including guidelines to establish a process for changing the formula.

3. The Task Force recommends the constitutional entrenchment of a federal government obligation to fund the Established Program Financing program.

4. The Task Force recommends that the Manitoba government be open to a review of the current division of powers, including the federal spending power, and study the possibility of increased federal government involvement in policy fields which might benefit from national policy making and/or coordination. Depending on considerations of efficiency and effectiveness in the provision of public service, consideration might be given to reducing the overlap of powers or expanding federal-provincial concurrent powers.

5. The Task Force recommends that the Manitoba government work towards the elimination of interprovincial economic barriers.

6. The Task Force recommends the inclusion of the territorial governments of the Yukon and Northwest Territories in all constitutional meetings and in the selection of Supreme Court Justices.

7. The Task Force recommends the amending procedure be changed in order that territories might attain provincial status as other provinces did: through a bilateral agreement with the federal government.

THE PROCESS OF AMENDING THE CONSTITUTION

The existing procedure for amending the constitution is contained in Part V of The Constitution Act, 1982. This part provides different procedures for amending different parts of the constitution. To amend most of the provisions of the constitution, Parliament and two thirds of the provinces representing fifty percent of the population must pass the necessary resolution. Where the amendment would reduce provincial powers, the provinces are given one year within which to consider the amendment and pass a resolution of dissent. Dissenting provinces are entitled to compensation where an amendment transfers provincial legislative powers relating to education or other cultural matters to Parliament. Certain matters, notably changing the amending procedure itself, require the unanimous consent of Parliament and the ten legislatures.

Supporters of the Meech Lake Accord have often argued that the existing provisions make it too difficult to amend the constitution and have urged that the procedure for amending the constitution itself be changed. The federal government considered this question so important that it established a special joint parliamentary committee (The Beaudoin-Edwards Committee) to study the process for amending the constitution. This committee recommended that the amending procedure be changed so that amendments to the

constitution would have to be passed by Parliament, the legislatures of Ontario and Quebec along with at least two legislatures from Atlantic Canada and two legislatures representing fifty percent of the population in Western Canada.

While the Task Force acknowledges that there are difficulties associated with the existing amendment procedure, we believe that those difficulties should not be exaggerated. The general amending formula was used successfully in 1983 to ensure that aboriginal treaty rights included rights acquired by land claims agreements and to guarantee that aboriginal and treaty rights were applicable equally to male and female persons. As well, almost all of the amendments in the Meech Lake Accord other than the change to the amendment procedure itself, could have been achieved under the Parliament and seven provinces representing fifty percent of the population formula.

Some presenters criticized the existing constitutional reform process because it does not provide any guidance as to the means by which an amendment is developed before submission to legislatures. Many presenters said that in the final analysis, constitutional deals are made behind closed doors among First Ministers.

We note that the Manitoba Legislature has a rule requiring public hearings by a committee of the legislature before a resolution respecting a constitutional amendment is passed.

Because the legislative committee may only consider a resolution that has already been formally submitted to the legislature, this process can still be criticized for precluding public input until the resolution has already been settled as was the case with the Meech Lake Accord. Manitoba has therefore utilized the vehicle of all-party task forces to consult the people of Manitoba before the provincial legislature considers a proposal for constitutional reform.

The Task Force encourages all governments in Canada to develop appropriate mechanisms, including public hearings, to consult the public on proposed constitutional changes. However, we do not believe that the necessary unanimity can be achieved to change the amending procedure at the present time. Therefore we make no recommendations regarding reform of Part V of the Constitution Act, 1982, except, as noted, to permit the territories to become provinces by agreement with the federal government alone.

A. Alternate Means of Public Participation in the Amending Process

1. Constituent Assembly

In our public hearings, there were many suggestions for change in the amending process but they concentrated primarily on enhancing the public's access to the process of reforming the constitution. Some presenters urged the formation of a constituent

assembly to effect change while others advocated the use of referenda to decide constitutional questions.

Calling a constituent assembly to make proposals for constitutional reform has gained significant support. While many presenters advocated this mechanism, there was no consensus on details regarding the structure and operation of such an assembly.

Given the importance of resolving the constitutional issues facing Canada, the Task Force believes all participants in any future round of constitutional discussion must be prepared to use all means available to reach a consensus on constitutional change which will strengthen national unity. A constituent assembly with full representation and an open and democratic process could be a means for achieving the necessary consensus.

We believe a constituent assembly could be useful in considering amendments for constitutional reform. These amendments would then be subject to public hearings followed by submission to parliament and legislatures for the formal amendment procedure under the provisions of the Constitution Act, 1982.

The Task Force therefore supports the concept of a representative constituent assembly which could function at the national or provincial level or both, and recommends its consideration to the Government of Manitoba.

2. Referenda

Like a constituent assembly, a referendum is a mechanism which has the potential to involve people directly in a process of constitutional reform. At the outset, we must recognize that the present amendment procedure contains no provision for holding a referendum. Therefore, if a referendum is organized under the present amendment procedure it can only be consultative. The final decision on an amendment must be made by Parliament and the provincial legislatures.

There are some concerns related to the use of a referendum even as a vehicle for consulting the Canadian public on constitutional reform. First, it can be very difficult to frame a workable and unbiased referendum question which could adequately summarize anything but the simplest of constitutional reforms. Secondly, organizing a referendum is not a simple task and finally, as the referendum on conscription in 1942 demonstrated, a referendum can exacerbate national divisions.

Referenda remains an interesting option, however, and we are open to the possibility that it may be made a part of the amending process. Thus the Task Force recommends that further consideration be given this option.

CHAPTER 6

THE PROCESS OF AMENDING THE CONSTITUTION

RECOMMENDATIONS

1. The Task Force encourages all jurisdictions to hold public hearings before formal legislative debate on constitutional amendments.

2. As previously stated, the Task Force recommends that territories should only require a federal-territorial agreement to become provinces.

3. The Task Force recommends that a constituent assembly process be given careful consideration as a mechanism which would develop constitutional proposals for study by Parliament and provincial legislatures. The work of these representative bodies would be in addition to public hearings and other forms of public consultation. If the outcome includes recommendations for change to the constitution, these would be submitted to the existing formal amendment procedure for entrenchment in the constitution.

4. The Task Force recommends that the Manitoba government consider the use of referenda in the process of constitutional amendment.

CONCLUSION

We must talk together and work together, and only by relying on our joint resources and on the philosophy of the whole being larger than the sum of the parts, can we find the common ground which will ultimately be the basis for successful constitutional reform.

Ms. Shari Decter Hirst

Manitoba is part of an evolving constitutional process involving many other participants. We need to be aware of what is occurring elsewhere and be receptive to the needs and aspirations of others. In some jurisdictions, commissions or committees have already completed their work and submitted reports. In other jurisdictions, such bodies have recently been established or existing commissions have not yet finished their reports. Particular attention should be given to the recent creation of the Special Joint Committee on a Renewed Canada which has begun its public hearings on the federal government's proposals for constitutional renewal.

Clearly much work remains to be accomplished before the process of constitutional renewal is complete. In total, we view

the submission of our Report as simply one more step in the process of assessing and stating Manitoba's constitutional concerns.

In conclusion, we commend this Report to the consideration of our fellow citizens in Manitoba and beyond. We hope it will provide guidance to the government and the legislature of Manitoba as events unfold in the months ahead on the multitude of constitutional issues which face us as a country and a province.

Our final words are, again, an expression of warm gratitude to all those who took the time to speak and write to us. It is their thoughtful, sensible views which we hope to have adequately and fairly represented in this document.

SUMMARY OF RECOMMENDATIONS

CHAPTER 2

THE CANADA CLAUSE

RECOMMENDATIONS

The Task Force recommends that the constitution include a statement, to be called the Canada Clause, that recognizes the fundamental characteristics of Canada. The Canada Clause should include:

(a) a commitment to a united Canada and recognition of the equality of the provinces;

(b) recognition of the aboriginal people as constituting the original people and a fundamental characteristic of Canada;

(c) the status of English and French as the official languages at the federal government level;

(d) recognition of the unique place and role of the province of Quebec in Canada;

(e) recognition of the contribution to Canada of our multicultural society;

(f) an affirmation that the rights and freedoms contained in the Charter of Rights and Freedoms apply to all Canadians.

CHAPTER 3

THE RIGHTS OF CANADIANS AND THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

RECOMMENDATIONS

1. The Task Force recommends a process to review Charter rights, both individual and collective, should be established in the near future. This review should provide an opportunity to discuss the issues related to the notwithstanding clause.

2. The Task Force recognizes the aboriginal peoples' inherent right to self-government within the Canadian constitutional framework and recommends that this be entrenched in the Canadian constitution.

3. Following from Recommendation 2 above, the Task Force recommends the creation of a process, acceptable to aboriginal people and entrenched in the constitution, that would work towards a definition and practical implementation of aboriginal self-government.

4. The Task Force recognizes the right of aboriginal people to participate in all constitutional reform processes.

5. The Task Force recommends an agenda be developed, in consultation with aboriginal peoples, to address aboriginal concerns within Manitoba. This agenda should be actively pursued by the Manitoba government.

6. The Task Force affirms its support for programs which serve linguistic minority communities.

7. The Task Force supports the recognition of multiculturalism as a fundamental characteristic of Canada. A regular review of policy and programs in this area is recommended.

CHAPTER 4

REFORM TO THE INSTITUTIONS OF GOVERNMENT

RECOMMENDATIONS

1. The Task Force recommends the existing Senate be dissolved and the creation of a new second Chamber that will effectively speak for provincial/territorial and regional concerns.

2. The Task Force recommends the following principles guide the creation of a new second Chamber:

   (a) the second Chamber should be elected;

   (b) seats should be distributed equally or equitably to balance provincial/territorial representation;

   (c) the second Chamber should have the power to review and if necessary, delay legislation but only for a limited period of time;

(d) the second Chamber should be given the role of reviewing significant appointments made by the federal government;

(e) the second Chamber should be given the power to review federal programs that impact directly on the provinces such as equalization and EPF legislation.

3. Among various forums which will consider the details of a new second Chamber, a constituent assembly should be considered as an appropriate mechanism for this purpose.

4. In order to introduce a degree of sensitivity to the concerns of the regions, the Task Force recommends the establishment of a federal-provincial-territorial consultative process for the selection of Supreme Court Justices.

CHAPTER 5

THE POWERS OF CANADIAN GOVERNMENTS AND THE CANADIAN ECONOMIC UNION

RECOMMENDATIONS

1. The Task Force supports the maintenance of a strong central government. We feel it is essential for the equitable functioning of the Canadian federal union that the central government has the capacity to respond to the needs of the less advantaged citizens and regions of the nation.

2. The Task Force recommends the strengthening of the constitutional provisions regarding equalization by including guidelines to establish a process for changing the formula.

3. The Task Force recommends the constitutional entrenchment of a federal government obligation to fund the Established Program Financing program.

4. The Task Force recommends that the Manitoba government be open to a review of the current division of powers, including the federal spending power, and study the possibility of increased federal government involvement in policy fields which might benefit from national policy making and/or coordination. Depending on considerations of efficiency and effectiveness in the provision of public service, consideration might be given to reducing the overlap of powers or expanding federal-provincial concurrent powers.

5. The Task Force recommends that the Manitoba government work towards the elimination of interprovincial economic barriers.

6. The Task Force recommends the inclusion of the territorial governments of the Yukon and Northwest Territories in all constitutional meetings and in the selection of Supreme Court Justices.

7. The Task Force recommends the amending procedure be changed in order that territories might attain provincial status as other provinces did: through a bilateral agreement with the federal government.

CHAPTER 6

THE PROCESS OF AMENDING THE CONSTITUTION

RECOMMENDATIONS

1. The Task Force encourages all jurisdictions to hold public hearings before formal legislative debate on constitutional amendments.

2. As previously stated, the Task Force recommends that territories should only require a federal-territorial agreement to become provinces.

3. The Task Force recommends that a constituent assembly process be given careful consideration as a mechanism which would develop constitutional proposals for study by Parliament and provincial legislatures. The work of these representative bodies would be in addition to public hearings and other forms of public consultation. If the outcome includes recommendations for change to the constitution, these would be submitted to the existing formal amendment procedure for entrenchment in the constitution.

4. The Task Force recommends that the Manitoba government consider the use of referenda in the process of constitutional amendment.

APPENDIX 1

The following is a list of presenters, in alphabetic order, who appeared before the Task Force during the public hearings. The asterisk (*) beside a presenter's name indicates people who did not submit written briefs with their oral presentations. Issue number refers to the official transcripts (1-10).

NAME	ISSUE	DATE
Gilbert Abraham, Private Citizen	09	91-02-11
Dr. Edward G. Agnew Reform Party	02	91-02-01
Tom Alcock, Private Citizen*	01	91-01-31
Tena Alguire, Private Citizen	01	91-01-31
Joe Anderson, Private Citizen*	07	91-02-08
Barbara Angel, Private Citizen	08	91-02-09
Mary Annis Brandon Women's Study Group	02	91-02-01
Roger Arnbruster, Private Citizen*	03	91-02-02
Professor Donald Bailey, Private Citizen	06	91-02-07
Vaughan Baird, Private Citizen	03	91-02-02
Evelyn Ballantyne Opaequisk Women's Resource Service	05	91-02-05
Tom Barker, Private Citizen	07	91-02-08
Roger Barsy, Private Citizen	10	91-02-12
Bill Bassett, Private Citizen*	01	91-01-31
Alan Beechell, Reeve Rural Municipality of Rosser	06	91-02-07
Molly C. Beard, Private Citizen	04	91-02-04
Kathleen Beateon, Private Citizen	09	91-02-11

Karen Beattie Rainforest Action & Information Network	09	91-02-11
Vic Beaudry, Private Citizen	09	91-02-11
Lilly Becker, Private Citizen	04	91-02-04
Marilyn Billinkoff Manitoba Real Estate Association	07	91-02-08
Raymond Bisson, President Société franco-manitobaine	08	91-02-09
Jeri Bjornson, Charter of Rights Coalition	06	91-02-07
Sharon Blady Rainforest Action & Information Network	09	91-02-11
Dan Borden, Private Citizen*	06	91-02-07
Kris Breckman, Private Citizen	07	91-02-08
Ruth Breckman, Private Citizen	07	91-02-08
Dr. Robert William Brockway, Private Citizen	02	91-02-01
Gabriel Broder League for Human Rights, B'nai Brith, Canada, Mid West Region	08	91-02-09
Harold W. Brown, Private Citizen	06	91-02-07
Jeffrey Brown, Private Citizen	08	91-02-09
Don Browne Manitoba Peace Council	07	91-02-08
Clark Brownlee, Private Citizen	06	91-02-07
Rod Bruinooge, Private Citizen*	04	91-02-04
Cameron Buck, Private Citizen*	05	91-02-05
Dave & Marianne Bueckert, Private Citizens	08	91-02-09
Debbie Burns, Private Citizen	07	91-02-08
Sel Burrows, Private Citizen*	06	91-02-07
Fred Cameron, Leader Western Independence Party of Manitoba	09	91-02-11

Marion Campbell, Private Citizen	01	91-01-31
Hamish Carr, Private Citizen	08	91-02-09
Jean Carson, Private Citizen*	09	91-02-11
Rick Carter-Squire Political Theory, Business Administration, Assiniboine Community College	02	91-02-01
Robert Clague, Private Citizen	06	91-02-07
Dan Clark, Private Citizen*	02	91-02-01
Ron Coley, Private Citizen	07	91-02-08
D. I. Cook, Private Citizen	09	91-02-11
Kathy Cooper Opasquiak Women's Resource Service	05	91-02-05
Jonathan Crowe, Private Citizen*	10	91-02-12
Fred Dait* National Farmers Union, Manitoba Chapter	02	91-02-01
Shari Decter Hirst, Private Citizen	02	91-02-01
Stan De Groot, Private Citizen*	09	91-02-11
Sandra Delaronde, Private Citizen*	05	91-02-05
Harry DeLeeuw Manitoba Real Estate Association	07	91-02-08
Terri Deller, Private Citizen	02	91-02-01
Surjit Dhinsa, Private Citizen*	03	91-02-02
David Dick, Private Citizen*	05	91-02-05
H. Dimitrakopoulou-Ashton, Private Citizen	04	91-02-04
Dorothy Dobbie Member of Parliament for Winnipeg South	08	91-02-09
Myles Donahue The Pas New Democratic Party Association	05	91-02-05
Jim Donald, Private Citizen*	01	91-01-31

Peter Donovan, Private Citizen	08	91-02-09
Paul Dowhanik, Private Citizen	08	91-02-09
John Doyle Manitoba Federation of Labour	07	91-02-08
Terry T. Drul, Private Citizen	02	91-02-01
Therese Ducharme, Chairperson People in Equal Participation Inc.	06	91-02-07
W. Yvon Dumont, President Manitoba Metis Federation	08	91-02-09
Jacqueline Dunning* Canadian Paraplegic Association, Thompson	04	91-02-04
Randi Easter-Gage Indigenous Women's Collective of Manitoba, Inc.	03	91-02-02
Leonard Elfenson, Private Citizen*	08	91-02-09
Magnus Eliason, Private Citizen*	09	91-02-11
Kenneth Emberley, Private Citizen*	03	91-02-02
Olga Enns, Private Citizen	08	91-02-09
Dennis Epps, Private Citizen	07	91-02-08
Robin Faye, Private Citizen	07	91-02-08
John Feldsted, Private Citizen	07	91-02-08
Jim Finlay, Private Citizen	09	91-02-11
Don Flatt, Private Citizen*	09	91-02-11
Jack Flett, Chief Island Lake Tribal Council	06	91-02-07
Phil Fontaine, Chief Assembly of Manitoba Chiefs	08	91-02-09
Jacqueline Fortier Conseil jeunesse provincial	09	91-02-11
Lorraine Fredette Réseau	07	91-02-08

Harry Friesen, Private Citizen	09	91-02-11
Stan Fulham, Private Citizen	06	91-02-07
R. A. Gallop, Private Citizen*	07	91-02-08
Dave Garcha* Canada First Coalition	08	91-02-09
Halina Garlicki, Private Citizen	07	91-02-08
Marilyn Gault Manitoba Advisory Council on the Status of Women	09	91-02-11
Professor Jon Gerrard, Private Citizen*	06	91-02-07
Joseph Gilbert, Private Citizen*	04	91-02-04
Bob Goodwin, Private Citizen	08	91-02-09
Richard Goudy, Private Citizen*	05	91-02-05
Dr. Agnes Grant, Private Citizen	02	91-02-01
Mary Green Canadian Alliance in Solidarity with the Native Peoples	09	91-02-11
Sidney Green Manitoba Progressive Party	03	91-02-02
Mark Grossman, Private Citizen	09	91-02-11
Trudi Gunia, Private Citizen	01	91-01-31
Bruce Guyan, Private Citizen*	04	91-02-04
Richard Halliburton, Private Citizen on behalf of Ernest Riddell, Private Citizen	01	91-01-31
Lorraine Hand, Private Citizen	09	91-02-11
Ken Hanly, Private Citizen	02	91-02-01
Susan Hart-Kulbaba Manitoba Federation of Labour	07	91-02-08
Dennis Heeney, Private Citizen	02	91-02-01
James Hemauer, Private Citizen	05	91-02-05

Mary Hewitt-Smith, Private Citizen	03	91-02-02
Rob Hilliard Manitoba Federation of Labour	07	91-02-08
Cory Hillier Political Theory, Business Administration, Assiniboine Community College	02	91-02-01
Albert Hodson, Private Citizen	02	91-02-01
Laura Anne Holden, Private Citizen	10	91-02-12
Wilf and Lou Hudson, Private Citizens	01	91-01-31
Graham Hughes* Canada First Coalition	08	91-02-09
Judy Hughes, Private Citizen	05	91-02-05
Sister Margaret Hughes The Sisters of Sion	07	91-02-08
John Ishmael Council for New Canadians	07	91-02-08
Dan Jamieson, Private Citizen	01	91-01-31
J. Una Johnstone, Private Citizen	06	91-02-07
Melody Jonnie Commissioner of Aboriginal Students Constituency, Canadian Federation of Students	06	91-02-07
Dagney Jordundson Political Theory, Business Administration, Assiniboine Community College	02	91-02-01
John Kalinsky, Private Citizen	01	91-01-31
Janis Kaminsky, Private Citizen	08	91-02-09
Cyril Keeper, Private Citizen*	03	91-02-02
Peter Kelly-Kinew Native Media Network, Inc.	10	91-02-12
Dave Kirkcaldy, Private Citizen*	03	91-02-02

Len Kolton, Private Citizen	05	91-02-05
June Komadowski, Private Citizen	08	91-02-09
Walter Kozak, Private Citizen	09	91-02-11
Greg Krawchuk, Private Citizen*	08	91-02-09
Dougald Lamont University of Manitoba Students' Union	09	91-02-11
John Lamont, Private Citizen	08	91-02-09
Gordon Landriault The Pas Labour Coordinating Committee	05	91-02-05
Lou Lapointe Dauphin and District Labour Co-ordinating Committee	01	91-01-31
Dean Lawryniuk, Private Citizen*	01	91-01-31
Maude Lelong, Private Citizen	02	91-02-01
Eric Loder Political Theory, Business Administration, Assiniboine Community College	02	91-02-01
S. Long, Private Citizen	07	91-02-08
Shirley Lord Choices - A Coalition for Social Justice	07	91-02-08
Fred Luke, Private Citizen*	01	91-01-31
Roy Lyall Confederation of Regions Manitoba Party	06	91-02-07
Keith Lyons, Private Citizen	05	91-02-05
Angus MacIntyre, Director Economic Development, City of Thompson	04	91-02-04
B. MacKenzie, Private Citizen*	03	91-02-02
Al Mackling, Private Citizen	03	91-02-02
Edna Manitowabi Abinochi Zhawayndakozihwin Inc.	09	91-02-11
George Marshall, Private Citizen	10	91-02-12

George A. Martin, Private Citizen	02	91-02-01
Lloyd Martin Moose Lake Indian Band	05	91-02-05
Ross Martin Brandon and District Labour Council	02	91-02-01
David Matas League for Human Rights, B'nai Brith, Canada, Mid West Region	08	91-02-09
Betty Maxwell, Private Citizen	02	91-02-01
Bob Mayer, Private Citizen*	04	91-02-04
Bob McCleverty , Private Citizen*	04	91-02-04
Valarie McClurg, Private Citizen*	04	91-02-04
Sharon McDonald, Private Citizen*	10	91-02-12
Gordon McIlroy, Private Citizen	09	91-02-11
Keith McRae, Private Citizen	08	91-02-09
Patricia Meadows, Private Citizen	03	91-02-02
Walter Mentuck, Private Citizen*	02	91-02-01
Odie J. Moran, Private Citizen*	05	91-02-05
Katherine Morrisseau-Sinclair Abinochi Zhawayndakozihwin Inc.	09	91-02-11
Angus Merrick, Chief Assembly of Manitoba Chiefs	08	91-02-09
Gary Munroe Business Administration Students, Year 2 Keewatin Community College	05	91-02-05
Terrance Nelson Pembina Anishinabe	06	91-02-07
C. Patrick Newbound, Private Citizen	09	91-02-11
Michael Nickerson, Private Citizen	06	91-02-07
Marge Nikolychuk, Private Citizen*	05	91-02-05
Alen Nordal, Private Citizen*	03	91-02-02

Heather Oberlin, Private Citizen*	01	91-01-31
Moses Okimaw, Legal Advisor* Assembly of Manitoba Chiefs	08	91-02-09
Donald Oliver, Private Citizen	08	91-02-09
Charles O'Rourke, Private Citizen	01	91-01-31
Mary Paley, Private Citizen	07	91-02-08
Bob Parsons, Private Citizen*	07	91-02-08
Morris Paul, Private Citizen	06	91-02-07
Ralph Paul, Private Citizen	03	91-02-02
Victor Payou, Private Citizen*	06	91-02-07
Lloyd Penner, Private Citizen*	08	91-02-09
Maurice Piché, Private Citizen	08	91-02-09
Dawna Pritchard, Private Citizen	05	91-02-05
Don Ramage, Private Citizen	08	91-02-09
Dan Ricard Business Administration Students, Year 2 Keewatin Community College	05	91-02-05
Edward Rice, Private Citizen*	07	91-02-08
Patrick S. Riley, Private Citizen*	07	91-02-08
Tony Riley, Private Citizen	02	91-02-01
Gordon Ritchie, Private Citizen*	01	91-01-31
Eric Robinson, President Aboriginal Council of Winnipeg	06	91-02-07
Molly Robinson, Private Citizen	04	91-02-04
Marion Robinsong Equality in Education Committee of the Brandon Teachers' Association	02	91-02-01
Clarke Robson, Private Citizen	02	91-02-01

Cameron Rolfe Manitoba League of the Physically Handicapped	10	91-02-12
Richard Rosenberg The People's Voice	09	91-02-11
Wesley Saari, Private Citizen	01	91-01-31
Jeff Saranchuk, Private Citizen	07	91-02-08
Doris Saunders, Private Citizen*	09	91-02-11
Len Sawatsky, Private Citizen	03	91-02-02
Professor Brian Schwartz	09	91-02-11
Bud Shiaro* Canadian Union of Public Employees	09	91-02-11
Terry Shillington, Private Citizen*	02	91-02-01
Lena Siemens, Private Citizen*	08	91-02-09
Professor Jim Silver, Private Citizen	09	91-02-11
Peter Sim, Private Citizen	07	91-02-08
Tom Simms* Community Education Development Association	06	91-02-07
Alex Simpson, Private Citizen*	01	91-01-31
Ronald Simpson, Private Citizen	02	91-02-01
Leona Singer Winnipeg Organization of Responsibly Disadvantaged	09	91-02-11
George Slivinsky, Private Citizen*	09	91-02-11
Robert G. Smellie, Chairman Canadian Committee for a Triple-E Senate, Manitoba Division	03	91-02-02
Muriel Smith, Private Citizen	09	91-02-11
Debby Sorochynski, Private Citizen	01	91-01-31
Kirk Stanley, Private Citizen	03	91-02-02

Sigridur Stefansson, Private Citizen	10	91-02-12
Alice Steinbart, Private Citizen	10	91-02-12
Manly Steinman, Private Citizen	03	91-02-02
Louis Stevenson, Chief Peguis First Nation	06	91-02-07
Fletcher and Pat Stewart, Private Citizens	05	91-02-05
Robert Sumner, Private Citizen*	04	91-02-04
Moryon Svendson, Private Citizen	04	91-02-04
Michal Tack on behalf of Alyson Barrett-Cowan, Private Citizen	05	91-02-05
Professor Paul Thomas, Private Citizen	07	91-02-08
Cathy Thomassen Brandon Women's Study Group	02	91-02-01
T. B. Thorvaldson, Private Citizen	03	91-02-02
Rae Tigg Parkland Status of Women	01	91-01-31
Gwen Trip, Private Citizen	02	91-02-01
Charles & Nora Turner, Private Citizens	02	91-02-01
Bruce Unfried, Private Citizen	05	91-02-05
Douglas Wade, Private Citizen*	06	91-02-07
Bob Wasincuna, Private Citizen	07	91-02-08
Sheila Watts The Pas Labour Coordinating Committee	05	91-02-05
Robert Wavey, Chief Manitoba Keewatinowi Okimakanak, Inc.	04	91-02-04
Beth Westfall, Private Citizen	02	91-02-01
Gerald Whetter, Private Citizen	02	91-02-01
Susan White Oxfam - Canada	07	91-02-08

Frank Whitehead Swampy Cree Tribal Council	05	91-02-05
Rupert Whitehead, Private Citizen	09	91-02-11
Brian Wilson, Private Citizen	04	91-02-04
Sidney R. Wolchock, Private Citizen	07	91-02-08
Bernie Wolfe, Private Citizen*	07	91-02-08
Professor Allan Woodbury, Private Citizen*	06	91-02-07
Michael Wright, Private Citizen	08	91-02-09
Russ Wyatt, Private Citizen*	07	91-02-08
John Wynen, Private Citizen	06	91-02-07
Jim Wynes, Private Citizen*	01	91-01-31
Professor Rod Yellon, Private Citizen	10	91-02-12
Kenneth Zaifman, Immigration Section Manitoba Bar Association	06	91-02-07
Arnold Zihrul, Private Citizen	01	91-01-31
Gerald Zucawich, Private Citizen	07	91-02-08

APPENDIX 2

The following is a listing of individuals and organizations from the Province of Manitoba who did not appear before the Task Force but who submitted written presentations.

Alice Allen
Swan River, Manitoba

Wayne Anderson
Winnipeg, Manitoba

Alex Anstruther
Winnipeg, Manitoba

Arthur Bacomo
Winnipeg, Manitoba

Monica Becker, Mark Golden,
(Joint Submission)
Winnipeg, Manitoba

M. L. (Buddy) Brownstone, President
The Winnipeg Chamber of Commerce
Winnipeg, Manitoba

Jeannine Calvez
Winnipeg, Manitoba

Ken Collin
The Progressive Conservative Association of Thompson
Thompson, Manitoba

Eileen C. Collins
Pilot Mound, Manitoba

H. Currie
Winnipeg, Manitoba

Derwyn Davies
Manitoba

Elie Deschenes
Winnipeg, Manitoba

Joan Dewson
Oakbank, Manitoba

Alex Domokos
Winnipeg, Manitoba

E. Donahue
Beausejour, Manitoba

The Duff Family
Winnipeg, Manitoba

R. A. Fardoe
Winnipeg, Manitoba

Robert Fennell
Winnipeg, Manitoba

R. C. (Bob) Field
Winnipeg, Manitoba

R. W. Finlay
Swan River, Manitoba

Gwendoline M. Fletcher
Winnipeg, Manitoba

E. H. Forsyth
Winnipeg, Manitoba

Joe Glasgow, Chairperson
Manitoba Intercultural Council
Winnipeg, Manitoba

F. Goertzen
Winnipeg, Manitoba

Joan Marie Halas
Winnipeg, Manitoba

Katherine A. Handel
Winnipeg, Manitoba

Glenn Hansen
Winnipeg, Manitoba

Kristine Harkess
Winnipeg, Manitoba

Reginald Hart
Winnipeg, Manitoba

Mr. and Mrs. John Hedley
Winnipeg, Manitoba

William Hendrick
Newdale, Manitoba

Yude M. Henteleff, Q.C.
Winnipeg, Manitoba

Alec Herbert
Winnipeg, Manitoba

Gord Hillocks
Winnipeg, Manitoba

Robert J. Hinds
Winnipeg, Manitoba

Mary Hoare
Winnipeg, Manitoba

John Hodgson
Hartney, Manitoba

David Horn
Winnipeg, Manitoba

Rosalyn Howard, Chairperson
Women's Health Clinic
Winnipeg, Manitoba

Laverne Hudson
Dauphin, Manitoba

Elsie Jawolik
Gimli, Manitoba

Aileen Jensen
Ochre River, Manitoba

Dianne Johnston
Carman, Manitoba

D. Kendall
Starbuck, Manitoba

Margot Lavoie
Winnipeg, Manitoba

Harold Macdonald
Neepawa, Manitoba

Ian MacPherson
Winnipeg, Manitoba

Helen McCullough
Winnipeg, Manitoba

Dr. Gerry McKinney
Brandon, Manitoba

Alexander F. McLellan
Winnipeg, Manitoba

Robert Moskal
Winnipeg, Manitoba

Art J. Orme
Garson, Manitoba

W. Pendree
Winnipeg, Manitoba

Fr. Alaine Piché, President
Oblates of Mary Immaculate of Manitoba
Fr. Noël W. R. Boulanger, President
Oblate Provincial Committee for Justice and Peace
(Joint Presentation)
Winnipeg, Manitoba

Roger Poisson
Winnipeg, Manitoba

W. R. Pringle
Winnipeg, Manitoba

Captain Glenn Richardson
Winnipeg, Manitoba

Martin Riel
Winnipeg, Manitoba

W. A. Rolston
Deloraine, Manitoba

E. Schindel
Beausejour, Manitoba

Randy Schulz
Winnipeg, Manitoba

Herb Siemens
Winnipeg, Manitoba

Peter Sliwa
Winnipeg, Manitoba

William D. Sloane
Clearwater, Manitoba

W. A. Speers
Winnipeg, Manitoba

David Spencer
Rivers, Manitoba

Morris J. Stefaniuk
Ashville, Manitoba

L. J. (Roy) Stevenson
Rivers, Manitoba

The Suski Family
Winnipeg, Manitoba

Chris Tait
Rossendale, Manitoba

Thruda Thordarson
Winnipeg, Manitoba

Duncan Thornton
Winnipeg, Manitoba

Margaret Turner
Winnipeg, Manitoba

Thomas W. H. Turpin
Brandon, Manitoba

John D. Wright
Deloraine, Manitoba

James Yates
Winnipeg, Manitoba

I. M. Yawney
Dauphin, Manitoba

Dr. Reto Zach
Pinawa, Manitoba

APPENDIX 3

The following is a list of individuals and organizations from out of province who submitted written presentations to the Manitoba Constitutional Task Force.

Victor Boldt
North Bay, Ontario

André G. Bordeleau
Montreal, Quebec

Tony Hall, Western President
Canadian Alliance in Solidarity with the Native People
Lethbridge, Alberta
(Submitted by Doreen Hunter)

Anthony Miller
Tryon, Prince Edward Island

R. M. Skinner, FCA
Toronto, Ontario